

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00
<input type="checkbox"/> five months	\$ 1,970.00	\$ 985.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$410.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	32	minus	32	0	x \$18.00 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	8	minus	8	0	x \$84 each=	\$ 0.00
[] First presentation of Multiple dependent claim(s)					\$280.00	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>2</u> Month Extension of Time						\$ 410.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 410.00

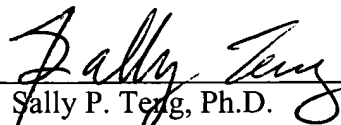
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$410.00 to Deposit Account No. 50-0310 for Two-Month Extension of Time Fee
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,
Morgan Lewis & Bockius LLP

Date: February 21, 2003
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PATENT
ATTORNEY DOCKET NO.: 044574-5045-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Roland E. BARON *et al.*

Application No.: 09/939,709

Filed: August 28, 2001

For: METHODS OF USING AGENTS THAT
MODULATE BONE FORMATION AND
INHIBIT ADIPOGENESIS

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)
) Group Art Unit: 1632
)
) Examiner: Voitach, Joseph T.
)
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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This paper responds to the Office Action (Paper No. 11) dated November 21, 2002, time for response to which expired December 21, 2002. A petition for two months extension of time is submitted concurrently, extending the period for response to February 21, 2003.

In response to the restriction requirement in the Office Action, Applicants respectfully elect, with traverse, Group IV, claims 23 and 24, drawn to a method of identifying genes which are modulated by Δ FosB.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 21, 2003

By: 

Sally C. Teng

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